IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 14TH SEPTEMBER 2007 / 23RD BHADRA 1929

RP.No. 1109 of 2006(P)

AGAINST THE JUDGEMENT/ORDER IN OP.33117/2000 Dated 24/11/2000

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REVIEW PETITIONER/2ND RESPONDENT

MANAGING DIRECTOR,
KERALA STATE FINANCIAL ENTERPRISES LTD.,
BADRATHA, P.B.NO.510, MUSEUM ROAD,
THRISSUR.

BY ADV. SRI.RAJU JOSEPH, ADDL.SC.,KSFE LTD.
SRI.K.S.HARIHARAPUTHRAN,SC,K.S.F.E. LTD

RESPONDENTS: PETITIONER/1ST RESPONDENT

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1. MOHAN MOOKOLA, AGED 46 YEARS,
S/O. KANNAPPAN, MOOKOLA HOUSE,
POOVATHUR P.O., THRISSUR.

2. THE SPECIAL DEPUTY TAHASILDAR (R.R.),
OFFICE OF THE SPECIAL DEPUTY TAHASILDAR,
KSFE LTD., THRISSUR.

R2 BY GOVERNMENT PLEADER SRI. P.N. SANTHOSH
R1 BY ADVS. SRI.RAJIT &
SRI.RANJIT BABU

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 14/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR,J.

R.P. NO. 1109 OF 2006 in
O.P. NO. 33117 OF 2000 &
I.A.No. 11693 OF 2007 in
W.P.C. NO. 22207 OF 2007

Dated this the 14th day of September, 2007

O R D E R

The liability due from the petitioner is around Rs. 43 lakhs. This Court vide judgment in O.P. 33117 of 2000 directed the KSFE to sell other properties before sale of petitioner's house so that petitioner's house could be saved. However, KSFE has filed this Review Petition stating that other properties of the petitioner are of no value and therefore sale of the house is the only solution. It is seen that judgment was rendered on 24.11.2000 and the petitioner has also not come forward with any concrete proposal for payment, except repeatedly stating that petitioner will settle the liability within a reasonable time as is evident from the judgment in WPC 22277/07. In the circumstances, Review Petition is allowed giving freedom to the Review Petitioner to sell the residential house of the petitioner in recovery proceedings.

2. Petitioner filed a Petition, I.A.No. 11693 of 2007, in the

disposed of WPC 22207 of 2007 for extension of time for payment. I do not find any bona fides in the request for extension of time, because liability is around Rs. 43 lakhs and the matter is dragged over 7 years which is evident from the two judgments in the OP and WPC referred above. Petitioner is also free to find buyers for sale of petitioner's house, which the KSFE will notify for sale after one month. In between if the petitioner arranges purchaser and settles liability, petitioner should be permitted to sell the property by himself.

Both R.P. and I.A. are disposed of as above.

(C.N.RAMACHANDRAN NAIR)
Judge